

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY HARDY,

Case No. 1:07-CV-1169

Petitioner,

Hon. Richard Alan Enslen

v.

WILLIE SMITH,

ORDER

Respondent.

This matter is before the Court on Petitioner Gregory Hardy's *pro se* Motion for Certificate of Appealability and Motion for Restoration for [sic] Court Record(s) Lost or Destroyed. On April 16, 2008, by Final Order this Court dismissed Petitioner's habeas corpus petition with prejudice and denied a certificate of appealability. (Dkt. No. 12.) Accordingly, since the Court has already determined that a certificate of appealability is not warranted, the Court interprets Petitioner's Motion for Certificate of Appealability as an untimely Motion for Reconsideration of the Court's Final Order. Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is appropriate only when the movant "demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof." Petitioner's motion raises no new issues that have not previously been considered and decided. No palpable error has been revealed nor has it been shown that a different disposition should result. Simply put, the previous Final Order remains a proper disposition of the case for the reasons explained therein.

Regarding Petitioner's Motion for Restoration for [sic] Court Record(s) Lost or Destroyed, Petitioner claims he is entitled to "legal property that's pertaining to the Petitioner's criminal case"

based on 28 U.S.C. § 1734(a). (Dkt. No. 14.) Not only is the cited statute inapplicable, the Court is unable to ascertain from Petitioner's ambiguous Motion the documents he seeks. If Petitioner seeks copies of certain documents *in forma pauperis*, he must specify which documents he seeks and the reasons they should be supplied *in forma pauperis*.

THEREFORE, IT IS HEREBY ORDERED that Petitioner Gregory Hardy's Motion for Certificate of Appealability (Dkt. No. 13) is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion for Restoration for [sic] Court Record(s) Lost or Destroyed (Dkt. No. 14) is **DENIED WITHOUT PREJUDICE** to future motion.

DATED in Kalamazoo, MI:
June 2, 2008

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE